

**Christopher P. McDonnell, Esq.**  
**ATTORNEY FOR PLAINTIFF**  
**Law Office of Christopher P. McDonnell**  
748 Highway 18  
East Brunswick, NJ 08816  
Phone: 732-729-9200  
Email: Christopher.mcdonnell@csi.cuny.edu

AND

146-26 35 Avenue  
Flushing, NY 11354

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
CAMDEN DIVISION**

Tommy Gurrola

Plaintiff,

v.

Source Mediation Services, LLC

Defendant.

Civil Case No.

**COMPLAINT FOR DAMAGES  
UNDER THE FAIR DEBT COLLECTION  
PRACTICES ACT AND OTHER  
EQUITABLE RELIEF**

**JURY DEMAND ENDORSED HEREIN**

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**PARTIES**

1. Plaintiff, Tommy Gurrola, (“Tommy”), is a natural person who resided in Brasher Falls, New York, at all times relevant to this action.
2. Defendant, Source Mediation Services, LLC, (“SMS”), is a Pennsylvania Limited Liability Company that maintained its principal place of business in Secane, Pennsylvania, and has had an office in Mount Laurel, New Jersey, at all times relevant to this action.

### **JURISDICTION AND VENUE**

3. Pursuant to 28 U.S.C. §1331, this Court has federal question jurisdiction over this matter as it arises under the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. §1692 et seq.
4. Pursuant to 28 U.S.C. §1391(b), venue is proper because a substantial part of the events giving rise to the claim occurred in this District.

### **STATEMENT OF FACTS**

5. At all times relevant to this action, SMS collected consumer debts.
6. SMS regularly uses instrumentalities of interstate commerce and the mails to collect consumer debts owed or due or asserted to be owed or due another.
7. The principal source of SMS’s revenue is debt collection.
8. SMS is a “debt collector” as defined by 15 U.S.C. §1692a(6).
9. As described, *infra*, SMS contacted Tommy to collect a debt that was incurred primarily for personal, family, or household purposes.
10. This alleged obligation is a “debt” as defined by 15 U.S.C. §1692a(5).
11. Tommy is a “consumer” as defined by 15 U.S.C. §1692a(3).
12. Around September 2013, SMS began calling Tommy on his personal home telephone in connection with the collection of the debt.
13. On or around October 2013, SMS called Tommy on his home telephone and threatened to have Tommy and his wife (“Wife”) arrested.
14. That same day, Tommy called SMS and asked to speak with a supervisor.
15. During that call, SMS called Tommy a “big mouth” and indicated that Tommy and wife would be arrested for fraud.
16. SMS also told Tommy that he would need to get a criminal attorney.

17. SMS has not had Tommy or Tommy's wife arrested.
18. SMS never intended nor had the ability to have Tommy or Tommy's wife arrested.
19. Tommy has requested SMS to cease further calls to Tommy.
20. Despite this request, SMS has continued to call Tommy on his personal home telephone and on his personal cellular phone.
21. Around October 2013, Tommy advised SMS that he had retained an attorney in connection with SMS's collection of the debt.
22. SMS continued to call Tommy on his home telephone and personal cellular phone after Tommy advised SMS that he had retained an attorney.
23. SMS caused Tommy emotional distress.
24. SMS attempted to collect a debt from Tommy.
25. SMS violated the FDCPA.

**COUNT ONE**

**Violation of the Fair Debt Collection Practices Act**

26. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
27. Defendant violated 15 U.S.C. §1692c(a)(1) by calling Plaintiff at a time or place known to be inconvenient for Plaintiff.

**COUNT TWO**

**Violation of the Fair Debt Collection Practices Act**

28. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
29. Defendant violated 15 U.S.C. §1692c(a)(2) by communicating with Plaintiff notwithstanding knowledge that Plaintiff was represented by an attorney with respect to the debt.

**COUNT THREE**

**Violation of the Fair Debt Collection Practices Act**

30. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.

31. Defendant violated 15 U.S.C. §1692d by engaging in conduct the natural consequence of which is to harass, oppress, or abuse Plaintiff in connection with the collection of the debt.

**COUNT FOUR**

**Violation of the Fair Debt Collection Practices Act**

32. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.

33. Defendant violated 15 U.S.C. §1692e by using false, deceptive, or misleading representations or means in connection with the collection of the debt.

**COUNT FIVE**

**Violation of the Fair Debt Collection Practices Act**

34. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.

35. Defendant violated 15 U.S.C. §1692f by using unfair or unconscionable means to collect the debt.

**JURY DEMAND**

36. Plaintiff demands a trial by jury.

**PRAYER FOR RELIEF**

37. Plaintiff prays for the following relief:

- a. Judgment against Defendant for actual damages, statutory damages, and costs and reasonable attorney's fees pursuant to 15 U.S.C. §1692k.
- b. For such other legal and/or equitable relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED,

By: /s/ Christopher P. McDonnell  
Christopher P. McDonnell, Esq.  
Law Office of Christopher P. McDonnell  
One of Plaintiff's Attorneys  
748 Highway 18  
East Brunswick, NJ 08816  
Phone: 732-729-9200  
Email: Christopher.mcdonnell@csi.cuny.edu

Date: September 8, 2014

CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2

The undersigned hereby certifies, pursuant to Local Civil Rule 11.2, that with respect to the matter in controversy herein, neither Plaintiff nor Plaintiff's attorney is aware of any other action pending in any court, or any pending arbitration or administrative proceeding, to which this matter is subject.

RESTPECTFULLY SUBMITTED,

By: /s/ Christopher P. McDonnell  
Christopher P. McDonnell, Esq.  
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One of Plaintiff's Attorneys  
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Phone: 732-729-9200  
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Date: September 8, 2014